

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BONITA HILL,

Plaintiff,

-v-

5:21-CV-1068

NY STATE FUND INS.,

Defendant.

APPEARANCES:

OF COUNSEL:

BONITA HILL
Plaintiff, Pro Se
203 King Avenue
Syracuse, NY 13209

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On September 29, 2021, *pro se* plaintiff Bonita Hill (“plaintiff”) filed this civil rights action against defendant N.Y. State Fund Insurance. Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP application”) and moved for the appointment of counsel. Dkt. Nos. 2, 3.

On November 16, 2021, U.S. Magistrate Judge Miroslav Lovric denied plaintiff’s motions and advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed without leave to amend. Dkt. No. 5. As the

R&R explained, the facts alleged by plaintiff “are identical” to certain benefits claims that she already presented to the State workers’ compensation board and litigation to finality. *Id.* Plaintiff has filed objections. Dkt. No. 7.

Upon *de novo* review of the portions to which plaintiff has objected, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

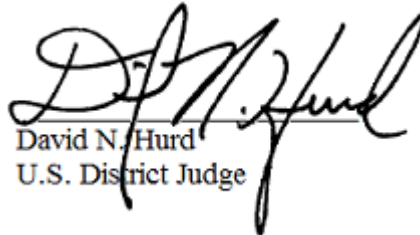
ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff’s complaint is DISMISSED WITHOUT LEAVE TO AMEND.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: December 16, 2021
Utica, New York.



David N. Hurd
U.S. District Judge